

## Message Text

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PAGE 01 OTTAWA 05021 212154Z  
ACTION EUR-12

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FM AMEMBASSY OTTAWA  
TO SECSTATE WASHDC PRIORITY 1983  
INFO ALL AMCONSULS CANADA

UNCLAS OTTAWA 5021

E.O. 11652: N/A  
TAGS: PDEV, PINT, CA  
SUBJ: SUPREME COURT OF CANADA RULES NATIVE PEOPLE'S  
CAVEAT INVALID

1. IN A 9-0 DECISION, THE SUPREME COURT OF CANADA RULED THAT CANADA'S NATIVE PEOPLES COULD NOT FILE A CAVEAT (LEGAL STATEMENT OF INTEREST) TO 450,000 SQUARE MILES OF LAND IN MACKENZIE RIVER VALLEY SINCE IT WAS UNPATENTED CROWN LAND. THE INDIANS HAD FILED SUCH A CAVEAT SOME THREE YEARS AGO IN LOWER COURT. HAD THE SUPREME COURT DECIDED IN FAVOR OF THE INDIANS, DEVELOPMENT IN THE MACKENZIE RIVER VALLEY WOULD PROBABLY HAVE BEEN FROZEN, SINCE ABORIGINAL RIGHTS OF INDIANS WOULD HAVE CHALLENGED ALL TITLES TO THE LAND. CAVEAT APPROACH WAS AN INDIRECT ONE, AND NATIVE PEOPLES CAN NOW SEEK DIRECT WAY TO TAKE ABORIGINAL CLAIM TO COURT.

2. HOWEVER, INDIANS PROBABLY WILL NOT TAKE ANY FURTHER ACTION DESPITE SET-BACK. IMPORTANCE OF CAVEAT CONSIDERABLY DIMINISHED IN INTERVENING TIME AS GOC HAS RECOGNIZED THE EXISTENCE OF THEIR CLAIMS. SINCE SUPREME COURT DECIDED CASE ON NARROW LEGAL POINT, AND NOT ON VALIDITY OF  
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ABORIGINAL RIGHTS, INDIAN MOVEMENT AS SUCH WILL NOT BE PARTICULARLY ADVERSELY AFFECTED. SO CHANCES ARE, BOOKS ARE CLOSED ON THIS LEGAL MANEUVER, ALTHOUGH ABORIGINAL RIGHTS ISSUE STILL REMAINS CLOUDED AND PRESUMABLY WILL APPEAR AGAIN AS INDIANS SEEK OTHER WAYS TO ESTABLISH THEM.

ENDERS

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## Message Attributes

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